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 FM USMISSION GENEVA
 TO SECSTATE WASHDC IMMEDIATE 9687
 USMISSION USUN NEW YORK PRIORITY
 INFO HUMAN RIGHTS COMMISSION COLLECTIVE
 AMEMBASSY ADDIS ABABA
 AMEMBASSY BUJUMBURA
 AMEMBASSY CAIRO
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USUN PLEASE PASS TO AMB-DES GERALDINE FERRARO

E.O. 12356: N/A
 TAGS: PHUM, UNHRC-1, RW
 SUBJECT: HUMAN RIGHTS COMMISSION SPECIAL SESSION ADOPTS
 - RESOLUTION ON RWANDA

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REF: GENEVA 4732

SUMMARY

 1. THE THIRD SPECIAL SESSION OF THE HUMAN RIGHTS
 COMMISSION WEDNESDAY ADOPTED BY CONSENSUS A RESOLUTION ON
 THE SITUATION IN RWANDA. THE RESOLUTION, ABLY NEGOTIATED
 AND DEFENDED BY CAMEROON AND NIGERIA WITH CANADIAN
 SUPPORT, INCLUDES MANY ELEMENTS SOUGHT BY THE U.S.
 DELEGATION, INCLUDING SPECIFIC REFERENCE TO GENOCIDE IN

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BOTH PREAMBULAR AND OPERATIVE SESSIONS, APPOINTMENT OF A SPECIAL RAPPOREUR TASKED WITH REPORTING WITHIN FOUR WEEKS, AND SUPPORT FOR THE ROLE PLAYED BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS (HCHR). THE TEXT WAS TABLED WITH 70 COSPONSORS, INCLUDING A LARGE MAJORITY OF COMMISSION MEMBERS. THOSE FEW STATES WHO OBJECTED TO CERTAIN ELEMENTS OF THE TEXT, ESPECIALLY REFERENCES TO THE SECURITY COUNCIL, WERE NOT PREPARED TO BREAK CONSENSUS AND CHALLENGE THE AFRICAN SPONSORS. THE RESOLUTION SETS PRECEDENTS IN A NUMBER OF AREAS, INCLUDING THE COMMISSION'S RELATIONSHIP WITH THE SECURITY COUNCIL, IN THE BROAD AND SOLID MANDATE ASCRIBED TO THE SPECIAL RAPPOREUR, AND IN THE TASKS ASKED OF THE HCHR. THE COMMISSION CHAIRMAN NAMED RENE DEGNI SEGUI, DEAN OF THE LAW FACULTY IN ABIDJAN, AS THE SPECIAL RAPPOREUR. MISSION EXTENDS ITS THANKS TO HEAD OF DELEGATION GERALDINE FERRARO AND AMBASSADOR TO RWANDA DAVID RAWSON FOR ATTENDING THIS BRIEF SESSION; THEIR PRESENCE CONTRIBUTED GREATLY TO ACHIEVEMENT OF U.S. OBJECTIVES. END SUMMARY.

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RESOLUTION, ADOPTED BY CONSENSUS

2. THE SPECIAL SESSION OF THE HUMAN RIGHTS COMMISSION ADOPTED WITHOUT A VOTE LATE WEDNESDAY THE RESOLUTION ON RWANDA WHICH HAD BEEN DRAFTED BY CAMEROON, NIGERIA, AND CANADA. IN ADDITION TO PREDICTABLE COMMENTS ABOUT REFUGEES, HUMANITARIAN ASSISTANCE, THE ARUSHA PEACE PROCESS, AND THE SECURITY COUNCIL ACTIONS REGARDING UNAMIR, THE SIX-PAGE RESOLUTION (FULL TEXT FAXED TO DEPARTMENT AND USUN) CONTAINS THE FOLLOWING RWANDA-SPECIFIC ELEMENTS.

3. THE COMMISSION:

- NOTING THAT "A SITUATION OF ETHNIC AND POLITICAL ARMED CONFLICT, SYSTEMATIC SLAUGHTER AND MASSACRES CONTINUES TO EXIST IN RWANDA;"
- "BELIEVING THAT GENOCIDAL ACTS MAY HAVE OCCURRED IN RWANDA;"
- EXPRESSING GRAVE CONCERN "AT THE FAILURE TO DATE OF THE RWANDAN AUTHORITIES TO CONDEMN THE ONGOING MASSACRES IN THE COUNTRY;"
- COMMENDING "THE INITIATIVE TAKEN BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND HIS TIMELY VISIT;"
- "RECOGNIZING THAT EFFECTIVE ACTION TO PREVENT FURTHER

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VIOLATIONS OF HUMAN RIGHTS MUST BE A CENTRAL AND INTEGRAL ELEMENT OF THE OVERALL UN RESPONSE... (AND THAT) A STRONG HUMAN RIGHTS COMPONENT WILL BE INDISPENSABLE TO THE POLITICAL PEACE PROCESS;"

- "CONDEMNS...ALL BREACHES OF INTERNATIONAL HUMANITARIAN LAW AND ALL VIOLATIONS AND ABUSES OF HUMAN RIGHTS," THE KILLING OF UNAMIR AND HUMANITARIAN PERSONNEL AND OF THE
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PRIME MINISTER, MEMBERS OF HER CABINET AND GOVERNMENT, AS WELL AS THE "WANTON KILLINGS OF INNOCENT CIVILIANS."
- COMMENDS THE HCHR ON HIS RECENT MISSION, WELCOMES HIS REPORT, AND ENDORSES ITS CONCLUSIONS AND RECOMMENDATIONS;
- CALLS ON THE GOR TO CONDEMN AND PUT AN END TO VIOLATIONS "BY ALL PERSONS WITHIN ITS JURISDICTION OR UNDER ITS CONTROL" AND TO ENSURE THAT ALL HUMAN RIGHTS ARE FULLY RESPECTED;
- CALLS ON THE RPF TO PREVENT PERSONS UNDER ITS COMMAND FROM COMMITTING HUMAN RIGHTS ABUSES;
- CALLS FOR THE PROTECTION OF THE RIGHTS OF ALL PERSONS "REGARDLESS OF THEIR NATIONAL OR ETHNIC, RELIGIOUS OR

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LINGUISTIC BACKGROUND;"

- AFFIRMS THAT ALL PERSONS WHO COMMIT OR AUTHORIZE VIOLATIONS ARE INDIVIDUALLY RESPONSIBLE AND THAT THE INTERNATIONAL COMMUNITY WILL EXERT EVERY EFFORT TO BRING THEM TO JUSTICE, "WHILE AFFIRMING THAT THE PRIMARY RESPONSIBILITY FOR BRINGING PERPETRATORS TO JUSTICE RESTS WITH NATIONAL JUDICIAL SYSTEMS:"
- PROVIDES FOR A SPECIAL RAPPORTEUR (WITH THE ASSISTANCE AND COOPERATION OF OTHER COMMISSION RAPPORTEURS AND MECHANISMS) TO INVESTIGATE AT FIRST-HAND AND RECEIVE INFORMATION ON THE HUMAN RIGHTS SITUATION IN RWANDA, "INCLUDING ON ROOT CAUSES AND RESPONSIBILITIES FOR THE RECENT ATROCITIES;"
- ASKS THAT HE PROVIDE A PRELIMINARY REPORT WITHIN FOUR WEEKS AND THAT THE UNSYG MAKE HIS REPORT AVAILABLE TO THE ECOSOC, UNGA AND SECURITY COUNCIL;
- ASKS THAT HE GATHER AND COMPILE SYSTEMATICALLY "INFORMATION ON POSSIBLE VIOLATIONS OF HUMAN RIGHTS AND ACTS WHICH MAY CONSTITUTE BREACHES OF INTERNATIONAL HUMANITARIAN LAW AND CRIMES AGAINST HUMANITY, INCLUDING ACTS OF GENOCIDE IN RWANDA, AND TO MAKE THIS INFORMATION AVAILABLE TO THE SECRETARY-GENERAL;"
- ASKS THE HCHR TO PROVIDE A TEAM OF "HUMAN RIGHTS FIELD OFFICERS" TO HELP THE RAPPORTEUR, "ACTING IN CLOSE COOPERATION WITH UNAMIR AND OTHER UN AGENCIES AND PROGRAMS" IN RWANDA; AND
- ASKS THE HCHR "TO ENSURE THAT FUTURE EFFORTS OF THE UN AIMED AT CONFLICT RESOLUTION AND PEACE-BUILDING IN RWANDA ARE ACCOMPANIED BY A STRONG HUMAN RIGHTS COMPONENT AND

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THAT THIS PROCESS IS EFFECTIVELY SUPPORTED BY A
COMPREHENSIVE PROGRAM OF HUMAN RIGHTS ASSISTANCE."

4. THE RESOLUTION WAS PRESENTED TO THE COMMISSION FOR CONSIDERATION BY CAMEROON'S DEPUTY REPRESENTATIVE, WHO NOTED THAT SOME 70 COUNTRIES HAD CO-SPONSORED THE TEXT (INCLUDING AT LEAST 37 MEMBERS OF THE COMMISSION). HE ADDED THAT THIS WAS A TEXT PREPARED PRIMARILY BY AND PRESENTED ON BEHALF OF THE AFRICAN GROUP, BUT THAT IT HAD BROAD SUPPORT FROM ALL REGIONS. PRIOR TO ADOPTION, THE RWANDAN OBSERVER OBJECTED TO THE ASSERTION THAT HIS GOVERNMENT HAD NOT MADE ANY EFFORT TO QUELL THE VIOLENCE, SAYING THAT HE HAD SHOWN THE AFRICAN GROUP GOR STATEMENTS TO THIS EFFECT IN LOCAL LANGUAGES. THE RESOLUTION WAS ADOPTED WITHOUT A VOTE.

OPPOSITION POSITIONS

5. WHILE NO DELEGATION WAS PREPARED TO BREAK CONSENSUS OR CHALLENGE THE AFRICAN LEADERSHIP ON THE RESOLUTION, A NUMBER MADE CLEAR THEIR OPPOSITION TO CERTAIN ELEMENTS. AS PREVIOUSLY REPORTED, CHINA, MEXICO, INDIA AND OTHERS WERE RELUCTANT DURING DRAFTING SESSIONS TO ACCEPT LANGUAGE ESTABLISHING ANY LINK BETWEEN THE COMMISSION AND THE SECURITY COUNCIL. INDIA EVEN WENT SO FAR AS TO ASSERT THAT NO PRECEDENT WAS ESTABLISHED BY THE COMMISSION'S PREVIOUS DECISIONS TO ASK THE SYG TO "MAKE AVAILABLE TO THE SECURITY COUNCIL" THE REPORTS ON YUGOSLAVIA, AND THE IDEA SHOULD NOT BE REPEATED IN THIS INSTANCE. INDIA AND OTHERS ALSO SOUGHT EXPLICIT LANGUAGE WHICH WOULD ENSURE THAT HUMAN RIGHTS MONITORS WOULD NOT BE THRUST INTO A
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COUNTRY AGAINST ITS WISHES. (COMMENT: AS CAN BE SEEN,
THE FINAL TEXT DID NOT TAKE THESE DESIRES INTO ACCOUNT.)

6. CUBA MADE AN EXPLANATION OF VOTE BEFORE ADOPTION, NOTING THEY FACED A DILEMMA BECAUSE OF THE SCALE OF VIOLATIONS WHICH COULD NOT BE IGNORED. TO ACCEPT THE RESOLUTION WOULD IMPLY ACCEPTING LINKS TO OTHER UN ORGANS, WHICH CUBA DOES NOT APPROVE; TO REJECT THE RESOLUTION WOULD ONLY GIVE AID AND COMFORT TO THE OFFENDERS. IF THERE HAD BEEN A VOTE, CUBA WOULD HAVE VOTED AGAINST A NUMBER OF PARAGRAPHS; SINCE THERE WASN'T, IT WOULD JOIN CONSENSUS. MALAYSIA WELCOMED THE ELEMENTS ON HUMANITARIAN

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AID AND THE PEACE PROCESS, BUT REGRETTED THAT "THE TEXT SEEMS PREOCCUPIED WITH THE SECURITY COUNCIL" AND FELT THE COMMISSION "SHOULDN'T BE A DISTANT ECHO OF THE COUNCIL, WHICH HAS NOT ALWAYS ACTED WITH CREDIT IN CONFLICT

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RESOLUTION." MAYLASIA WANTED TO ASSERT ITS VIEW THAT THIS SPECIAL SESSION AND RESOLUTION WERE NOT/NOT "PRECEDENT-SETTING OR STANDARD-SETTING" IN NATURE.

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7. IRAN WAS EVEN MORE POINTED, REGRETTING IN ITS E.O.V. (AS IT HAD DURING THE DRAFTING SESSIONS) THAT THE RESOLUTION WELCOMED "A BELATED ACTION BY THE SECURITY COUNCIL, BUT FAILED TO ADDRESS ANOTHER SECURITY COUNCIL ACTION WHICH RESULTED IN A REDUCTION OF FORCES AND CONSEQUENT LOSS OF LIFE." SYRIA VOICED ITS OPPOSITION TO THE IMPLIED LINKS WITH THE SECURITY COUNCIL, AND EXPRESSED CONCERN AT THE PROPOSAL TO SEND A SEND A GROUP OF FUNCTIONARIES TO ACT AS "CONTROLLEURS" OF HUMAN RIGHTS, WITHOUT SEEKING AGREEMENT FROM THE PARTIES. SRI LANKA ALSO HAD A FEW CONCERNS ABOUT "SHORTCOMINGS" IN THE TEXT, QUESTIONING IN PARTICULAR WHETHER THE RAPPOREUR SHOULD BE GIVEN THE MANDATE TO INVESTIGATE "ROOT CAUSES" OF THE CONFLICT.

BUDGET IMPLICATIONS AND THE RAPPOREUR

8. THE SECRETARIAT ANNOUNCED ESTIMATED BUDGETARY IMPLICATIONS OF USD 1,050,000 FOR THE SEVEN MONTHS REMAINING IN 1994, PLUS USD 240,000 FOR THE FIRST TWO MONTHS OF 1995, I.E., UNTIL THE NEXT REGULAR SESSION OF THE COMMISSION. THE SECRETARIAT NOTED THAT "BECAUSE THE SPECIAL RAPPOREUR HAS TO REPORT WITHIN 4 WEEKS, THE SECRETARY-GENERAL WILL ASK THE ACABQ FOR AUTHORITY TO

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ENTER INTO EXPENSES TO COVER THIS MANDATE. THESE UNFORESEEN EXPENSES WILL BE MADE PENDING APPROPRIATION OF ADDITIONAL FUNDS BY THE UNGA LATER IN THE YEAR." NO BREAKOUT WAS GIVEN (NOR IS ONE YET AVAILABLE) OF WHAT PORTION OF THESE EXPENSES WOULD BE FOR THE RAPPOREUR, WHAT FOR THE OTHER RAPPOREURS AND MECHANISMS, AND WHAT FOR THE FIELD OFFICERS.

9. JUST BEFORE GAVELLING THE SESSION TO A CLOSE, CHAIRMAN PETER PALTHE ANNOUNCED THAT HE HAD DECIDED TO APPOINT RENE DEGNI SEGUI, DEAN OF THE FACULTY OF LAW AT THE UNIVERSITY OF ABIDJAN, TO BE THE SPECIAL RAPPOREUR. PALTHE NOTED THAT DEGNI SEGUI HAD SERVED ON THE INTERNATIONAL COMMISSION WHICH VISITED RWANDA IN 1993, AND ADDED THAT HE WAS CERTAIN THE NEW RAPPOREUR WAS AVAILABLE AND WOULD BE ABLE TO COMPLETE HIS INITIAL REPORT IN THE TIME REQUIRED. ACCORDING TO AN INCOMPLETE C.V. AVAILABLE TO THE MISSION, DEGNI SEGUI WAS BORN IN 1947 IN COTE D'IVOIRE, EDUCATED AT GRENOBLE, AIX-EN-PROVENCE AND THE SORBONNE, AND HAS WRITTEN A NUMBER OF PIECES ON HUMAN RIGHTS IN THE AFRICAN

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CONTEXT. (COMMENT: THE FRENCH DELEGATION SPEAKS VERY HIGHLY OF DEGNI SEGUI, WHOM THEY HAD BEEN PUSHING TO BE THE COMMISSION'S INDEPENDENT EXPERT ON CHAD. SEPTTEL WILL REPORT ON THE BY-PLAY LEADING TO THIS CHOICE OF SPECIAL RAPPORTEUR.)

PRECEDENTS

10. DESPITE THE PROTESTS OF CUBA, INDIA OR OTHERS WHO DO NOT WISH IT, THE RESOLUTION CLEARLY SETS PRECEDENTS OR PUSHES OUT THE BOUNDARIES OF ACTION BY THE COMMISSION AND

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THE HIGH COMMISSIONER. THE RESOLUTION SUGGESTS NEW PATHS FOR ADDRESSING HUMAN RIGHTS CONCERNS, AND FOR USING THE EXPERTISE OF THE UN'S HUMAN RIGHTS MECHANISMS, IN SITUATIONS WHERE THERE HAS BEEN BOTH A BREAKDOWN OF PEACE AND SECURITY AND OF RESPECT FOR HUMAN RIGHTS. THE RESOLUTION FORESEES REINFORCEMENT AND EXPANSION OF THE COMMISSION'S MECHANISMS TO GIVE AN ONGOING ASSESSMENT OF HR SITUATIONS, OFFERING A POTENTIALLY USEFUL SOURCE OF INFORMATION TO THE SECURITY COUNCIL AND TO OTHER ELEMENTS OF THE UN SYSTEM.

11. THERE IS ALSO AN EXPANSION OF THE ROLE OF THE HIGH COMMISSIONER AND OF THE COMMISSION'S RELATIONSHIP TO HIM. THE HCHR BOOSTED HIS CREDIBILITY WITH THE HUMAN RIGHTS COMMUNITY (BOTH OFFICIAL AND NGO) BY VISITING RWANDA AND CALLING FOR THE SPECIAL SESSION, AND BY THE NATURE OF HIS RECOMMENDATIONS. THE COMMISSION WELCOMED THAT INITIATIVE

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AND ENDORSED THE RECOMMENDATIONS, AND THEN ESTABLISHED A LINK WITH THE RAPPORTEUR WHEN IT ASKED HIM TO PROVIDE FIELD OFFICERS TO HELP WORK WITH BOTH THE SPECIAL RAPPORTEUR AND UNAMIR. HE IS ALSO TASKED SPECIFICALLY WITH ENSURING THAT CONFLICT-RESOLUTION AND PEACE-BUILDING EFFORTS HAVE A STRONG HUMAN RIGHTS COMPONENT, THEREBY REINFORCING HIS AUTHORITY AS COORDINATOR FOR HUMAN RIGHTS ISSUES THROUGHOUT THE UN SYSTEM. TO REBUT CRITICISMS FROM CUBA AND OTHERS, THIS IS NOT DUPLICATION OF EFFORTS BY THE COMMISSION AND OTHER UN MECHANISMS, IT IS COORDINATION -- USING RESOURCES AND EXPERTISE TO THEIR BEST ADVANTAGE.

COMMENT

12. WHAT COULD HAVE BEEN A CONTENTIOUS SESSION PROVED TO BE REMARKABLY EASY. GREAT CREDIT GOES TO THE DEPUTY CAMEROONIAN REPRESENTATIVE, WHO WAS AN EFFECTIVE CHAIRMAN OF THE OPEN-ENDED DRAFTING SESSIONS, AND HIS NIGERIAN COLLEAGUES, WHO PROVIDED FIRM SUPPORT FOR REASONABLE POSITIONS IN THE FACE OF HARD-LINE CHALLENGES FROM BOTH WITHIN AND OUTSIDE THE AFRICAN GROUP. CANADA SHARES THE CREDIT, FOR CALLING THE SESSION AND ACTING AS CO-CHAIR OF THE DRAFTING SESSIONS. THE AFRICAN GROUP IN GENERAL

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DISTINGUISHED ITSELF BY EFFECTIVE LEADERSHIP ON THIS AFRICAN ISSUE, A NOTABLE DEPARTURE FROM EARLIER RELUCTANCE OR INABILITY TO GRASP THE NETTLES OF THEIR OWN REGION.

13. U.S. OBJECTIVES WERE LARGELY MET, IF NOT EXCEEDED THE RESOLUTION INCLUDES OUR LANGUAGE ON GENOCIDE, OUR LIMITED OFFICIAL USE

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PREFERENCES FOR THE MANDATE OF THE RAPPORTEUR, HIS ABILITY TO DRAW ON OTHER COMMISSION RAPPORTEURS, THE ESTABLISHMENT OF HUMAN RIGHTS MONITORS, AND FIRM SUPPORT FOR THE SYSTEM-WIDE ROLE OF THE HIGH COMMISSIONER. MISSION EXTENDS ITS APPRECIATION TO HEAD OF DELEGATION FERRARO AND AMBASSADOR RAWSON FOR THEIR ACTIVE PARTICIPATION, WHICH WAS AN IMPORTANT ELEMENT IN ACHIEVING OUR OBJECTIVES.
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